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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,422	06/25/2002	Michael Cawthorne	0380-P02754USO	3305

110 7590 05/20/2005

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EXAMINER

DEJONG, ERIC S

ART UNIT PAPER NUMBER

1631

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20050512

DATE MAILED:

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Commissioner for Patents

See attached Office Communication regarding the response filed by applicant on 07 April 2005.

EDJ

## DETAILED OFFICE COMMUNICATION

The reply filed on 07 April 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants' response contained an improper election of species, specifically the election of LOMT 21 (mitochondrial aldehyde dehydrogenase). The previous Office Action, mailed 26 January 2005, an additional sequence election requirement was set forth for the invention of Group I which noted "that this sequence election is part of the invention election and not a specie election requirement". Therefore applicants response was incomplete as the election of a sequence satisfying the required invention election was not provided. For the benefit of applicants, the sequence election requirement is reiterated below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

In addition, Groups I and IV read on patentably distinct protein sequences as set for in claim 29 (Group I) and claims 34 and 46-49 (Group IV). Each sequence is patentably distinct because they are unrelated sequences, and a further restriction is applied to the above Groups. For an elected Group drawn to protein sequences, the applicants must elect a single disclosed protein sequence, a subset of a single

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disclosed protein sequence, or an unspecified protein sequence. Applicants are reminded that an election of a subset of a single disclosed protein sequence must be a specifically disclosed subset to avoid a potential NEW MATTER rejection. Examination will be restricted to only the elected sequence. It is additionally noted that this sequence election is part of the invention election requirement and not a specie election requirement.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric S. DeJong whose telephone number is (571) 272-6099. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, Ph.D. can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (571) 272-0549.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDJ EDS

*Ardin H. Marschel* 5/16/05  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER